



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 919 OF 2025
IN CA/14440/2022**

Madhukar Vishwanath Deshmukh And Anr

VERSUS

Venkatrao Chandarrao Deshmukh Lrs Chhabubai And Others

...
Mr. J. S. Kadam h/f Mr. V. D. Salunke, Advocate for
Applicants

Mr. T. M. Venjane, Advocate for Respondent Nos. 1 to 4 in SA

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 14th FEBRUARY, 2025

PER COURT :-

1. The applicants have filed present application seeking permission to correct name of appellant No.2 as Shriram s/o Mukundrao Deshmukh in place of Shriram s/o Madhukarrao Deshmukh.

2. Applicants are also seeking correction in figure of amount mentioned in operative part of order dated 06th December, 2024. So far as, first prayer of applicant seeking permission to correct the name of appellant No.2 is concerned, that cannot be considered at this stage, unless correction is made in original proceeding i.e. decree passed in Regular Civil

Suit No. 127 of 2001 by Civil Judge Junior Division at Latur.

3. Once such correction is carried, it can be carried forward in further proceedings including proceeding of this Second Appeal.

4. Learned Advocate appearing for the applicant submits that since Record and Proceeding is called by this Court in the Second Appeal, it is difficult for him to pursue Trial Court for correction in the decree.

5. Considering the difficulty as posed, the Record and Proceeding can be deported to Trial Court, so that prayer of the applicant for correction of name can be considered by the Trial Court on the basis of documents tendered. In case applicant tenders application for correction of name in proceeding of suit and consequential decree passed in Regular Civil Suit No. 127 of 2001, Trial Court shall consider same on its own merit within a period of one month from date of receipt of Record and Proceeding from this Court and pass necessary orders. Registry to ensure that Record and Proceeding is sent back to Trial Court within period of 10 days from today.

6. So far as, second prayer as to correction of the figure appearing in operative part of the order dated 06.12.2024 in Civil Application No. 14440 of 2022, same is granted. The correction be carried out by replacing the figure appearing in Clause No. (ii) from Rs. 3,71,866/- to 3,71,868/-.

7. Civil Application stands **disposed of**.

8. Record and Proceeding be called back to this Court immediately after application for correction is decided.

(S. G. CHAPALGAONKAR, J.)

Rushikesh/2025